

# MADISON COUNTY PLANNING BOARD

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## Staff Report

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**To:** Madison County Planning Board  
**From:** Jim Jarvis, Planner II  
**Date:** January 16, 2008

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**Subject:** Cactus Ridge Minor Subdivision – Preliminary Plat

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**PROPOSED:** Cactus Ridge Minor Subdivision Preliminary Plat

**Landowner:** Tom Sadler and Jaina Underwood  
62 Biltmore Road, Twin Bridges MT 59754

**Consulting Engineers:** Tumbleweed Development Inc.  
P.O. Box 743, Lewistown, MT 59457

**Proposal:** Create two lots of 32.83 and 77.22 acres from total 110.05 acres

## BACKGROUND

### Site Description:

The 110.05 acre subdivision site, accessed via Biltmore Road, is located approximately one-half mile west of Highway 41 between Twin Bridges and Beaverhead Rock in Section 26, Township 4 South, and Range 7 West. The tract is identified as a portion of Parcel B2 recorded in Madison County Certificate of Survey Book 7, Page 1447BA. The irregularly shaped tract is characterized by a dry, rolling terrain of grass and sagebrush. Adjacent land uses are established agricultural holdings intermixed with larger residential sites (see attached Preliminary Plat).

### Proposal:

The proposal will create 2 lots by splitting 32.83 acres from the existing 110.05 acre home site. The existing home will occupy the 77.22 acre site, hereafter referred to as Lot 1. The two resulting single family residential lots will share a common access provided by improving the existing driveway to county standards from Biltmore Road to the boundary between Lots 1 and 2. The improvements will include a cul-de-sac (turnaround) at the entrance of the new driveway servicing Lot 2. This new road will be named Cactus Ridge Road. Lot 2 was located by the landowner to minimize the visual impact of the new building site on the surrounding rural landscape.

Pre-application:

The pre-application was presented to the Planning Board on May 30, 2006. The Planning Board had no comment on the proposed lot split.

**Agency and Individual Comments:**

REVIEW AGENCIES	COMMENTS
Madison County Planning	Geotechnical assessment not needed.
Madison County Board of Commissioners (Road Supervisor)	M. Ross – existing driveway to be widened to 20 feet minimum width and cul de sac installed.
Madison County Sanitarian	Sanitarian has received and reviewed environmental data and is prepared to issue appropriate permits upon preliminary plat approval by the Planning Board
Madison County Weed Office	Weed management plan approved
Madison County Sheriff – Virginia City	Police coverage adequate, estimated response time 35 minutes.
Madison County – Emergency Management	Inspection in progress, preliminary report indicates no significant concerns
Twin Bridges Fire Department	Chief Carlson requested a dry hydrant with access from Biltmore Road to be installed in the slough near property.
Ruby Valley Ambulance Service – Sheridan, Whitehall, Alder	Emergency service coverage adequate, estimated response time 20 minutes, minimum. General concerns expressed over need for well-marked and maintained access roads
Three Rivers Telephone Co-op.	Telephone service available
Vigilante Electric Co-op - Dillon	Electric service available
Sheridan District #5	None
Twin Bridges District #7	None
Montana Dept. of Fish, Wildlife & Parks, (FWP)	None
Montana Dept. of Natural Resources & Conservation - Helena	None
USDA –Natural Resources Conservation Service (NRCS) – Sheridan	None

ADJACENT LANDOWNERS	COMMENTS
Loren Giem	None

Andy Nye	None
Trevor Walter	None
Tom Block	None
Peggy Dulaney	None

No other public or agency comments have been received.

## **STAFF DISCUSSION**

### **A. Application Completeness**

In accordance with the Madison County Subdivision Regulations (2000), the County Planning Staff reviewed this application for completeness and found it to be complete.

### **B. Public Interest Criteria**

#### **1. Effects on Agriculture**

Minimal - The property is not used for agriculture. A signed and notarized Declaration of the Right to Farm has been submitted by the applicant. Distribution of the Code of the New West brochure to the buyer of either lot is strongly encouraged. Educating new property owners about “living with agriculture” is perhaps the best way to mitigate the negative impacts of subdivision development on agriculture.

#### **2. Effects on Agricultural Water User Facilities**

Minimal – There are no water rights, irrigation canals or ditches associated with this property.

#### **3. Effects on Local Services**

Minimal - The impact of this lot split on local services is expected to be very limited. The land owner has agreed to install a dry hydrant near the southern property boundary to facilitate fire protection. Representatives from all three emergency response services (fire, ambulance, and police) have commented on the project and indicated adequate capability exists. The new building site will rely on a private well and septic system.

Power and telephone utilities are already in the area and utility representatives have indicated that services can readily accommodate one more building site. The local school district, Twin Bridges, did not respond to requests for comment.

#### **4. Effects on the Natural Environment**

Minimal – Groundwater depth in the area is estimated at 50 feet, minimum, based on available well log data. Isolated cases of excessive surface water run-off, associated with spring thaw or storm events, i.e. gully erosion, have been observed in the area. Road improvements and building sites should avoid dry

washes and allow for the installation of proper drainage devices, i.e. culverts and ditches. There are no known wetlands, riparian areas, or flood-prone areas on the site. All areas disturbed during construction should be promptly re-seeded with native vegetation.

The proposed building site associated with the new lot was placed below the ridgeline to minimize visual impacts.

Madison County Weed Board approved the noxious weed management plan.

The Madison County Sanitarians Office has reviewed site-specific environmental data and has not identified any significant adverse impacts. Lot 2 will need to obtain a septic permit from the Sanitarian prior to installing any new facilities.

## **5. Effects on Wildlife and Wildlife Habitat**

Minimal – The property owner's Land Stewardship Plan has indicated a high degree of sensitivity toward maintaining and preserving existing dry-land wildlife habitat and vegetation. Wildlife-friendly fencing is currently utilized in the area, and grazing impacts of the few livestock in the area are closely monitored. Any additional fencing should be of a similar design. There have been no agency comments received regarding impacts on wildlife.

## **6. Effects on Public Health and Safety**

Minimal – The new building site will rely on private well and septic. Well log and soil classification data have been submitted for review by the sanitarian's office, and found acceptable.

A dry hydrant has been requested by the local fire chief to augment fire protection measures. The property owner has agreed to install a dry hydrant approximately ½ mile east of the building site within the County's existing right-of-way on Biltmore Road. The preliminary plat denotes the location of this hydrant.

Comments received from emergency responders have stressed the need to improve access, including wider, well-maintained and marked roadways for emergency vehicles. The property owner has agreed to improve the existing driveway to a 20 foot minimum width and install a cul-de-sac at the entrance to the proposed driveway of Lot 2. This short section of road, named Cactus Ridge Road, is shown as a 60 foot wide easement on the preliminary plat. A 60-foot wide private driveway and utility easement extending across Lot 2 to Lot 1 is also noted on the preliminary plat. Access to existing property in the area will not be adversely impacted by these improvements. This subdivision does not require a separate emergency access as the cul-de-sac length is less than the 1000 foot maximum allowance of the subdivision regulations. A signed and notarized

confirmation of Emergency Management Information is on file with the Planning Office.

The Madison County Planning Office will issue a temporary physical address for Lot 2 that complies with the Emergency 911 system. A permanent physical address will be assigned once the lot is developed. This address, and those of neighboring properties, should be based on the proposed Cactus Ridge Road and clearly marked at driveway entrances. A Declaration of Emergency Services must be filed with the final plat.

**7. Effects on Other Resources in the County**

Minimal – This proposed subdivision should have no significant impact on other resources in the county.

**8. Effects on the Local Economy**

Minimal – The new lot and potential building site will help expand the county's tax base with little additional cost for public services.

**9. Effects on Public Services Provided by Other Entities in the County**

Minimal – No concerns have been expressed by other service providers.

**C. Legal and Physical Access**

The proposed subdivision would have legal and physical access off of Highway 41 via Biltmore Road. Biltmore Road is recorded as a county public road under its' original name – Ziegler Hot Springs Road. The property owner has agreed to improve the existing driveway to serve as a new subdivision road, named Cactus Ridge Road. This non-county road will be a 20-foot minimum width with a 50-foot radius cul-de-sac located at the entrance to the proposed driveway of Lot 2. A 60-foot wide road easement with the standard RID and maintenance disclaimer is noted on the preliminary plat. A 60-foot wide private driveway and utility easement extending across Lot 2 to Lot 1 is also noted on the preliminary plat. Access to existing property in the area will not be adversely impacted by these improvements.

**D. Park Dedication**

Not applicable. Under state law and the Madison County Subdivision Regulations (2000), residential subdivisions with lots larger than five acres have no parkland requirements.

**E. Substantial Compliance with the Comprehensive Plan/Growth Policy**

The proposed subdivision substantially complies with the Madison County Comprehensive Plan (see attachment 2).

**PROPOSED FINDINGS OF FACT**

The preliminary plat and supplements have been reviewed to determine the proposed subdivision compliance with the Montana Subdivision and Platting Act, Madison County Subdivision Regulations, and Madison County Comprehensive Plan/Growth Policy.

In accordance with state law, the Planning Office proposes the following Findings of Fact based on the local government review criteria as set forth in Section 76-3-608, MCA and the Madison County Subdivision Regulations.

A. Application Completeness – Application is complete

B. Public Interest Criteria

1. Effects on Agriculture – Minimal
2. Effects on Agricultural Water User Facilities – Minimal
3. Effects on Local Services – Minimal
4. Effects on the Natural Environment – Minimal. Building site for new lot shown on DEQ site plan was selected to avoid dry washes and ridgeline.
5. Effects on Wildlife and Wildlife Habitat – Minimal. Wildlife-friendly fencing utilized. No comment from review agencies.
6. Effects on Public Health and Safety – Minimal, with improvements. Property owner has agreed to install a dry hydrant and improve road access.
7. Effect on Other Resources in the County – Minimal
8. Effects on the Local Economy – Minimal
9. Effects on Public Services Provided by Other Entities in the County – Minimal

C. Legal and Physical Access – Positive. Legal access to the property already exists and will be physically improved by the property owner. Preliminary plat denotes easements and maintenance agreement.

D. Parkland Dedication – Not applicable

E. Substantial Compliance with the Comprehensive Plan/Growth Policy – Substantially complies with the Comprehensive Plan/Growth Policy

Conclusion: With conditions, the proposed subdivision will:

- (1) be in compliance with all applicable rules and regulations;

- (2) have an acceptable impact on each of the six public interest criteria, plus other resources in the County, the local economy, and public services provided by other entities in the County; and
- (3) be in substantial compliance with the County Comprehensive Plan/Growth Policy.

### **STAFF RECOMMENDATIONS**

Based on the staff analysis and proposed Findings of Fact, the Planning Office recommends preliminary plat approval be granted to the Cactus Ridge Minor Subdivision, subject to the conditions listed below.

#### ***[Standard conditions]***

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body.
2. A notarized declaration of "Right to Farm" and "Emergency Services Information" (Appendix T of 2000 Madison County Subdivision Regulations) must be filed with the final plat.
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lienholders or claimants of record against the land, and the written consent to the subdivision from any lienholders or claimants of record against the land.
4. All road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat.
5. Future modification of any elements shown on the plat may not be made without County review and approval.

#### ***[Additional site-specific conditions]***

6. The final plat shall include the following statement: "Prior to any construction requiring sanitation, the lot owner must first obtain a Madison County septic permit."
7. The final plat shall include a statement whereby lot owners waive their right to protest any rural improvement district (RID) designated by the Madison County to protect public health and safety on roads leading to the Cactus Ridge Minor Subdivision.

8. Prior to final plat approval, Lot 2 must be assigned a temporary physical address in accordance with Madison County's rural addressing and Emergency 911 system.
9. Upon completion of road improvements, a permanent address based on the new access via Cactus Ridge Road shall be assigned to Lot 2. The permanent addresses of the existing homesite and the neighboring property will also have to be re-assigned. Individual address signs shall be erected at the driveway entrances.
10. Prior to final plat approval, the subdivision road (Cactus Ridge Road) shall be constructed by the applicant in compliance with the design standards outlined in the November 2000 Madison County Subdivision Regulations. At a minimum the road must be widened to a 20 foot driving surface and include appropriate drainage devices and a 50 foot radius cul-de-sac at the driveway entrance of Lot 2. Appropriate road signs must be installed and disturbed areas reseeded. All road maintenance, including but not limited to grading and snowplowing and removal shall be the responsibility of the landowners, not Madison County.
11. Prior to final plat approval, the applicant shall install a dry hydrant with a vehicle turnout along Biltmore Road as recommended by the Twin Bridges Fire Chief and the Madison County Road Supervision for District 2. Biltmore Road is recorded as a county public road of undetermined width. The right-of-way width, assumed to be the county default of 60 feet, is adequate to allow for the existing 24 foot wide driven surface and the hydrant with turnout. Maintenance of the hydrant shall be responsibility of the landowners, not Madison County.
12. In the event that the road, hydrant, or other required improvements are not completed prior to final plat submission, an Improvements Agreement and irrevocable Letter of Credit or equivalent guarantee shall be filed with the Board of County Commissioners prior to final plat approval. The amount of the letter of credit shall be 125% of the engineer's estimated cost for the improvements. Any letter of credit or other guarantee must cover the time period needed to complete project improvements.

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**Note to Surveyor:**

The final plat should show current land uses of adjacent properties and conservation easements. A new conservation easement was recently established on the J Bar L Ranch along the subdivision's western boundary.

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To ensure compliance with the conditions listed above, the final plat and accompanying documents shall be submitted to the County Planner prior to final plat approval by the Board of Madison County Commissioners and recording by the Madison County Clerk and Recorder.

If the preliminary plat is approved, the landowner shall have three calendar years from the date of County Commission approval to apply for final plat approval. The landowner may request a time extension of preliminary plat approval, but such request must be received in writing thirty (30) days prior to the three-year expiration date, in accordance with Section II-F of the Madison County Subdivision Regulations.

In accordance with Montana state law, the subdivider may appeal Madison County's decision on this subdivision application within 30 days of the decision.

Submitted by:

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Jim Jarvis  
Madison County Planner II